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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 528]

भोपाल, सोमवार, दिनांक 23 दिसम्बर 2019—पौष 2, शक 1941

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 23 दिसम्बर 2019

क्र. 21941-342-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश भू-राजस्व संहिता (संशोधन) विधेयक, 2019 (क्रमांक 40 सन् 2019) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,

राजेश यादव, अतिरिक्त सचिव.

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NO. 40 OF 2019
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MADHYA PRADESH BILL

No. 40 OF 2019

THE MADHYA PRADESH LAND REVENUE CODE (AMENDMENT) BILL, 2019

A Bill Further to amend the Madhya Pradesh Land Revenue Code, 1959.

Be it enacted by the Madhya Pradesh Legislature in the seventieth year of the Republic of India as follows :—

1. This Act may be called the Madhya Pradesh Land Revenue Code (Amendment) Act, 2019. Short title.

2. In Section 2 of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) (hereinafter referred to as the principal Act), in sub-section (1), for clause (u), the following clause shall be substituted, namely :— Amendment of Section 2.

"(u) 'Revenue Officer' means any revenue officer mentioned in Section 11;"

3. In Section 13 of the principal Act, Amendment of Section 13.

(i) the proviso to sub-section (2) shall be deleted;

(ii) after sub-section (2), the following new sub-section shall be added, namely:-

"(3) The State Government, before passing any order under this section on any proposal to alter the limits of any division or district or sub-division or tahsil or to create new or abolish existing division or district or sub-division or tahsil, shall invite objections to such proposals in the prescribed Form and shall take into consideration objections received, if any."

4. In Section 19 of the principal Act, for sub-section (2) and sub-section (3), the following sub-sections shall be substituted, namely:- Amendment of Section 19.

"(2) The Collector may place a Tahsildar as in charge of a tahsil, who shall exercise therein the powers and perform the duties conferred or imposed on him by or under this Code or by or under any other enactment for the time being in force.

(3) The Collector may place one or more Additional Tahsildars and Naib Tahsildars in a tahsil who shall exercise therein such powers and perform such duties conferred or imposed on a Tahsildar by or under this Code or by or under any other enactment for the time being in force, as the Collector may, by an order in writing, direct."

5. For Section 22 of the principal Act, the following section shall be substituted, namely- Substitution of Section 22.

"22. Sub-Divisional Officers- The Collector may place any Assistant Collector or Joint Collector or Deputy Collector to be in charge of one or more sub-divisions of the district who shall exercise therein the powers and perform the duties conferred or imposed on a Sub-Divisional Officer by or under this Code or by or under any other enactment for the time being in force."

6. In Section 33 of the principal Act, for the word and figure "Section 41", the word and figure "Section 258" shall be substituted. Amendment of Section 33.

- Amendment of Section 40.** 7. In Section 40 of the principal Act, the words “in accordance with the provisions of this Chapter” shall be omitted.
- Substitution of Section 47.** 8. For Section 47 of the principal Act, the following section shall be substituted, namely:-
- “47.Limitation of appeals-** The period of limitation for filing first or second appeal shall be forty-five days from the date of the order appealed against:
- Provided that where an order, against which the appeal is preferred, was made before the coming into force of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018, the period of limitation of appeal shall be as provided in the Code prior to the said Amendment Act:
- Provided further that where a party, other than a party against whom the order has been passed *ex-parte*, had no previous notice of the date on which the order was passed, limitation shall be computed from the date of the communication of such order.”.
- Amendment of Section 50.** 9. In Section 50 of the principal Act, in sub-section (3), for clause (a), the following clause shall be substituted, namely:-
- “(a) the order, if it had been made in favour of the party applying for revision, would have finally disposed of the proceedings; or”.
- Amendment of Section 59.** 10. In Section 59 of the principal Act, for sub-section (9), the following sub-section shall be substituted, namely:-
- “(9) If the Bhumiswami fails to give the intimation of diversion under sub-section (6), the Sub-Divisional Officer on his own motion or on receiving such information shall compute the premium and re-assess the land revenue payable on account of such diversion and also impose a penalty equal to fifty per centum of the total amount payable:
- Provided that such re-assessed land revenue shall be payable from the actual date of diversion subject to a maximum period of five years:
- Provided further that no penalty shall be imposed for one year from the date of commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018.”.
- Substitution of Section 67.** 11. For Section 67 of the principal Act, the following section shall be substituted, namely:-
- “67. Formation of survey numbers, block numbers, plot numbers and their grouping into villages in non-urban areas or into sectors in urban areas-**Subject to rules made under this Code, the District Survey Officer may-
- (a) take measurements of the land to which land survey extends and construct such number of survey marks thereon as may be necessary;
 - (b) divide such land into survey numbers, recognize existing survey numbers, reconstitute survey numbers or form new survey numbers if such land is used for agricultural purpose;
 - (c) divide such land into block numbers, recognize existing block numbers, reconstitute block numbers or form new block numbers if such land is used for non- agricultural purpose;

- (d) divide blocks in plot numbers, recognize existing plot numbers, reconstitute plot numbers or form new plot numbers in land used for non- agricultural purpose;
- (e) group survey numbers and blocks into villages in non-urban areas and into sectors in urban areas:

Provided that the plots of any land lying within the boundaries of a layout approved under the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No 23 of 1973), shall be deemed to be plots under this Code:

Provided further that except as hereinafter provided and subject to the approved development plan of the area, if any, no survey number or plot number shall henceforth be made of an extent less than the minimum prescribed.”.

12. In Section 72 of the principal Act, for the words “at such rates as may be prescribed.” the words “as per rules made under Section 59 and 60.” shall be substituted. **Amendment of section 72.**

13. In Section 108 of the principal Act, in sub-section (1), in clause (d), for sub-clause (i), the following sub-clause shall be substituted, namely:- **Amendment of Section 108.**

“(i) the nature and extent of the respective interests of such persons and the conditions or liabilities, if any, attached thereto;”.

14. In Section 110 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:- **Amendment of Section 110.**

“(1) The patwari or Nagar Sarvekshak or person authorised under section 109 shall enter into a register prescribed for the purpose every acquisition of right reported to him under section 109 or which comes to his notice from any other source.”.

15. In Section 114 of the principal Act, in sub-section (1), for clause (a), the following clause shall be substituted, namely:- **Amendment of Section 114.**

“(a) village map, abadi map and block map under section 107;”.

16. In Section 129 of the principal Act, for sub-section (8), the following sub-section shall be substituted, namely:- **Amendment of Section 129.**

“(8) Notwithstanding anything contained in sections 44 and 50, no appeal or application for revision shall lie against any order passed or proceedings taken under this Section.”.

17. In Section 134 of the principal Act, for the words and figures “section 131, 132 or 133”, the words and figures “section 131 or 133” and for the words “five hundred rupees”, the words “five thousand rupees” shall be substituted. **Amendment of Section 134.**

18. In Section 158 of the principal Act, for proviso to sub-section (3), the following provisos shall be substituted, namely: – **Amendment of Section 158.**

“Provided that no such person, other than a person falling under any of the following categories, shall transfer such land within a period of ten years from the date of lease or allotment and thereafter may transfer such land with the permission obtained under sub-section (7-b) of Section 165:—

- (i) a local authority as defined in clause (20) of Section 2 of the Madhya Pradesh General Clauses Act, 1957 (No. 3 of 1958);
- (ii) a Town and Country Development Authority or a Special Area Development Authority constituted under section 38 and 64 respectively of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973);
- (iii) the Madhya Pradesh Housing and Infrastructure Development Board constituted under the Madhya Pradesh Griha Nirman Evam Adhosanrachna Vikas Mandal Adhiniyam, 1972 (No. 3 of 1973);
- (iv) a government company as defined in clause (45) of Section 2 of the Companies Act, 2013 (No. 18 of 2013) in which the State Government has more than fifty one percent shares;
- (v) a person to whom land is allotted in Bhumiswami rights by the State Government through auction;
- (vi) any government entity, notified by the State Government from time to time, to whom land is allotted in Bhumiswami rights.”.

**Amendment of
Section 165.**

19. In Section 165 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) Subject to the other provisions of this Section, provisions of the proviso to sub-section (3) of Section 158 and provisions of section 168, a Bhumiswami may transfer any interest in his land.”.

**Insertion of
Section 176.**

20. After Section 175 of the principal Act, the following new section shall be inserted, namely:-

“176. Abandonment of holding – (1) If a Bhumiswami ceases to cultivate his holding for five years either by himself or by some other person, does not pay land revenue and has left the village in which he usually resides, the Tahsildar may, after such enquiry as he may deem necessary, take possession of the land comprising the holding and arrange for its cultivation by letting it out on behalf of the Bhumiswami for a period of one agricultural year at a time.

- (2) Where the Bhumiswami or any other person lawfully entitled to the land claims it within a period of five years from the commencement of the agricultural year next following the date on which the Tahsildar took possession of the land, it shall be restored to him on payment of the dues, if any, and on such terms and conditions as the Tahsildar may think fit.
- (3) Where no claim is preferred under sub-section (2) or if a claim is preferred and disallowed, on the receipt of a report from Tahsildar, the Sub-Divisional Officer, after making such enquiry, as he may deem fit, shall make an order declaring the holding abandoned and the holding shall vest absolutely in the State Government, from such date as may be specified in that behalf in the order.
- (4) Where a holding is declared abandoned under sub-section (3), the liability of the Bhumiswami for the arrears of revenue due from him in respect thereof shall stand discharged.”.

21. In Section 183 of the principal Act, in sub-section (6), the words "from the date as notified by State Government" shall be omitted. **Amendment of Section 183**
22. For section 244 of the principal Act, the following section shall be substituted, namely:- **Substitution of Section 244.**
- "244. Subject to rules made in this behalf, the Tahsildar shall dispose of abadi sites in bhumiswami rights in the abadi area."
23. For section 245 of the principal Act, the following section shall be substituted, namely:- **Amendment of Section 245.**
- "245. Rights to hold house site free of land revenue-** Any building site of reasonable dimensions in the abadi, which is held by a kotwar or by a person who holds land or who works as an agricultural artisan or an agricultural labourer in such village or in a village usually cultivated from such village, as on the commencement of the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018, shall not be liable to the payment of land revenue."
24. In section 248 of the principal Act, in sub-section (1), after the words and figures "under section 237", the words and figures "or set apart for any public purpose under section 233-A" shall be inserted. **Amendment of Section 248.**
25. In section 257 of the principal Act, - **Amendment of Section 257.**
- (i) for clause (b), the following clause shall be substituted, namely:-
- "(b) any question as to the validity or affect of the notification of a land survey;"
- (ii) in clause (c), for the words "Settlement Officer", the words "District Survey Officer" shall be substituted.
26. In section 258 of the principal Act, in sub-section (2),- **Amendment of Section 258.**
- (i) in clause (i-a), for the word, bracket and figures "section 13(2)", the words, bracket and figures "sub-section (3) of section 13" shall be substituted;
- (ii) for clause (iii), the following clause shall be substituted, namely:-
- "(iii) rates for assessment, imposition of premium and assessment and reassessment of land revenue and manner for intimation of diversion under section 59;"
- (iii) clause (viii) shall be deleted;
- (iv) in clause (xxiii) ,-
- (a) for sub-clause (a), the following sub-clause shall be substituted, namely-
- "(a) reporting of acquisition of right, intimation;"
- (b) for sub-clause (e), the following sub-clause shall be substituted, namely:-
- "(e) writing, intimation or displaying of notice;"

(v) after clause (xxviii), the following clause shall be inserted, namely-

“(xxviii -a) manner in which a person may be summarily ejected under section 126;”;

(vi) clause (xxxiii) shall be deleted;

(vii) clause (xlv-a) shall be deleted;

(viii) clause (liv) shall be deleted;

(ix) for clause (lvii-a), the following clause shall be substituted, namely-

“(lvii-a) prescription of the record to be maintained under section 233-A;”;

(x) clause (lxviii) shall be deleted.

STATEMENT OF OBJECTS AND REASONS

After the Madhya Pradesh Land Revenue Code (Amendment) Act, 2018 (No. 23 of 2018) came into force it has been brought to the notice of the State Government that some sections of the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959) (hereinafter referred as Code) require consequential amendments. Also the language of some sections of the Code requires modification to convey meaning correctly.

2. It is proposed to enhance the amount of personal bond to be executed by a person under section 134 of the Code to abstain from causing encroachment or obstruction on any recognised road or path.

3. It is also proposed to exempt a local authority as defined in clause (20) of section 2 of the Madhya Pradesh General Clauses Act, 1957 (No. 3 of 1958), a Town and Country Development Authority or a Special Area Development Authority constituted under section 38 and 64 respectively of the Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973), the Madhya Pradesh Housing and Infrastructure Development Board constituted under the Madhya Pradesh Griha Nirman Evam Adhoshanrachna Vikas Mandal Adhiniyam, 1972 (No. 3 of 1973), a government company as defined in clause (45) of section 2 of the Companies Act, 2013 (No. 18 of 2013) in which the State Government has more than fifty one percent shares, a person to whom land is allotted in Bhumiswami rights by the State Government through auction, or any Government entity, notified by the State Government from time to time, to whom land is allotted in Bhumiswami rights from the restrictions imposed under sub-section (3) of section 158 on transfer of land .

4. It is felt that the repealed section 176 of the Code which provided a process for abandonment of holding need to be restored with certain additional safe guard. Therefore, insertion of section 176 is proposed.

5. It is also proposed to do away with the requirement of issue of notification by the State Government under sub-section (6) of 183 of the Code for service lands situated in an urban area, etc. because the expansion of such areas is a continuous process.

6. It is also proposed that the abadi sites shall be allotted in Bhumiswami rights.

7. Hence this Bill.

BHOPAL :

Dated, the 18th December, 2019.

GOVIND SINGH RAJPUT

Member-in-Charge.